

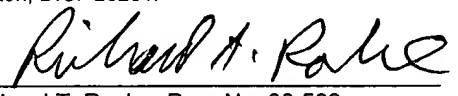


1761
#2/DF
12/28/2

Attorney Docket No.: 661005.90012

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Richard T. Roche, Reg. No. 38,599

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Nick J. Huige, *et al.*

Serial No.: 09/448,578

Filed: November 23, 1999

Title: METHOD OF OXYGENATING YEAST SLURRY USING
HYDROPHOBIC POLYMERIC MEMBRANES

Art Unit: 1761

Examiner: Curtis E. Sherrer

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RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231
Box Non-Fee Amendment

Sir:

This is in response to the Office Action mailed on October 18, 2002. The Office Action states that the Reply filed 08/02/02 (which had a mailing date of July 26, 2002) in the above identified application was not fully responsive because the Applicants are now claiming a different invention.

The Applicants' Representative wishes to thank Examiner Sherrer for the courtesy of a telephone interview in which the basis for the objection was discussed. In particular, it was pointed out that this type of objection typically arises when the preamble of a claim is amended.


In the Response of 08/08/02, the preamble of claim 1 was amended. However, this portion of the amendment to claim 1 merely incorporated language from claim 3. Claim 3 was deemed to be the same invention as claim 1 in the Restriction Requirement of Paper No. 5 (mailed 09/19/00), and claim 3 has been searched and examined on the merits after Applicants' election of claims 1-6.

Therefore, the Applicants respectfully submit that the incorporation of language from claim 3 into claim 1 does not change the invention of claim 1 as claims 1 and 3 were deemed to be the same invention in the Restriction Requirement. Furthermore, claim 3 has been searched and examined on the merits and therefore, the Examiner would not need to perform an additional search. Accordingly, it is respectfully requested that the Reply filed 08/02/02 (which had a mailing date of July 26, 2002) be entered into the application and considered on the merits.

No additional fees are believed to be needed for this response. However, if additional fees are needed, please charge them to Deposit Account No. 17-0055.

Respectfully submitted,

Dated: November 14, 2002

By: 
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